HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 13256 OF 2006

DATED: 18.9.2006

Between:

Virodhula Rajkumar and others

… Petitioners

and

The Executive Officer,
Sri R.V.B.S. Choultry, Endowments
Department, Paddapuram and others

…
Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.13256 OF 2006

ORAL ORDER:

The writ petition is misconceived.

It is directed against the decision of the 2nd respondent, as conveyed by the 1st respondent's proceedings dated 3.6.2006, that the leases were not approved by the 2nd respondent in respect of the public auction conducted on 15.5.2006 and that an auction would be conducted afresh for grant of leasehold rights of the lands belonging to Sri R.V.B.S. Choultry, Peddapuram Town and Mandal, East Godavari District.

The 1st respondent had notified auction of agricultural lands of the Choultry for grant of leasehold rights for a 3 year term from 2006-2007 to 2008-2009. The petitioners participated in the auction; became the highest bidders and the 1st respondent approached the 2nd respondent for grant of leases in favour of the petitioners. The 2nd respondent declined grant of approval, on the

ground that it is not in the interests of the Devasthanam, as competitive bids were not received during the auction and directed the conduct of a fresh auction.

At the hearing, a number of points were urged on behalf of the petitioners including that the 2nd respondent had rejected the bids beyond the period prescribed in Rule 16 (iii) of the A.P. Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rule, 2003 (for short 'the Rules'). However, the plea under Rule 16 (iii) of the Rules was not pressed further, in view of the averments in the counter affidavit that the decision was taken within time. The only subsisting grievance of the petitioners is based on their own assertion that they have bid competitive amounts for leasehold rights of the lands in question.

It is not the province of this court under Art.226 of the Constitution to determine whether the bids submitted by the petitioners are competitive. The 2nd respondent is consecrated the authority and the executive discretion to consider that aspect of the matter. The 2nd respondent was satisfied that approval should not be granted. No malafides are alleged against the 2nd respondent.

In the aforesaid circumstances, this court discerns no justification for interdicting the decision of the respondents to cancel the earlier auction held on 15.5.2006 and directing the concerned to hold fresh auction. There are no merits.

The writ petition is dismissed. No costs.

GODA RAGHURAM, J

Date: 18.9.2006
cvm